

1 PHILLIP A. TALBERT
2 United States Attorney
3 MATHEW W. PILE, WSBN 32245
4 Associate General Counsel
5 Office of Program Litigation, Office 7
6 Social Security Administration
7 JUSTIN L. MARTIN, MO 62255
8 Special Assistant United States Attorney
9 6401 Security Boulevard
Baltimore, Maryland 21235
Telephone: (206) 615-3735
E-Mail: justin.l.martin@ssa.gov

10 Attorneys for Defendant

11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 SACRAMENTO DIVISION

14 ROXANNE NUNEZ,

Civil No. 2:24-cv-03141-CKD

15 Plaintiff,

16 STIPULATION AND ORDER FOR
17 EXTENSION OF TIME TO FILE THE
18 ELECTRONIC CERTIFIED
19 ADMINISTRATIVE RECORD AS THE
ANSWER TO PLAINTIFF'S COMPLAINT

vs.

CAROLYN COLVIN,
1 Acting Commissioner of Social Security,¹

Defendant.

Pending the Court's approval, the parties stipulate through their respective counsel that
Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a thirty-day

¹ Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 extension of time to respond to Plaintiff's Complaint in this case from January 13, 2025, up to and
2 including February 12, 2025. In support of this request, the Commissioner respectfully states as
3 follows:

- 4 1. Defendant's response to Plaintiff's Complaint is due to be filed by January 13, 2025.
5 Defendant has not previously requested an extension of this deadline.
- 6 2. In accordance with the Federal Rules of Civil Procedures, recently amended to add
7 Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the
8 Commissioner files a certified administrative record (CAR) as the Answer to a
9 Complaint for review.
- 10 3. Counsel for the Commissioner has been informed by the client agency, which is the
11 Social Security Administration, Office of Appellate Operations, that the CAR is not
12 fully prepared in this matter. The client agency therefore needs more time to prepare
13 the CAR for the Court's review.
- 14 4. For this reason, Defendant requests an extension to February 12, 2025 (30 days), to
15 file an Answer or other response in this matter.
- 16 5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that
17 she has no objection to this extension request.
- 18 6. This request is made in good faith and is not intended to delay the proceedings in this
19 matter.
- 20 7. I am attempting to preserve limited judicial resources and have applied the most rapid
21 response under the circumstances.

22 WHEREFORE, Defendant requests until February 12, 2025, to respond to Plaintiff's
23 Complaint.
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1 Respectfully submitted,

2 DATE: January 14, 2025

Law Offices of Francesco Benavides

3 /s/ Francesco Paulo Benavides*

4 FRANCESCO PAULO BENAVIDES

5 Attorney for Plaintiff

(*as authorized via email on January 7, 2025)

6 PHILLIP A. TALBERT

7 United States Attorney

8 MATHEW W. PILE

9 Associate General Counsel

Office of Program Litigation, Office 7

Social Security Administration

12 DATE: January 14, 2025

By

s/ Justin L. Martin

13 JUSTIN L. MARTIN

14 Special Assistant United States Attorney

15 Attorneys for Defendant

16 ORDER

17 Pursuant to stipulation, it is so ordered.

18 Dated: January 14, 2025



19 CAROLYN K. DELANEY

20 UNITED STATES MAGISTRATE JUDGE

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